

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE ESTATE OF KATHERINE J.
GONZALES, SCOTT BOX, individually and
as Personal Representative, and RUSSELL
BOX, children of Katherine J. Gonzales,

Plaintiffs,

vs.

Civ. No. 11-486 KG/GBW

AAA LIFE INSURANCE COMPANY,
a subsidiary of AAA AUTO CLUB,
GENERAL ELECTRIC COMPANY,
GENERAL ELECTRIC PENSION TRUST,
GENERAL ELECTRIC SAVINGS & SECURITY,
METROPOLITAN LIFE INSURANCE
(Plan Administrator; ERISA), MICHAEL A.
PETERS, attorney, individually and
PETERS & ASSOCIATES, P.A.,

Defendants.

ORDER

On January 16, 2015, the Court held a hearing on the following motions:

1. Plaintiffs' Notice of Motion and Motion for Leave to File Supplemental/Amended Complaint (Doc. 120), filed July 1, 2013;
2. Plaintiffs' Motion for Scheduling Conference to Set New Deadlines or, in the Alternative, Motion for Leave to Identify Expert (Doc. 170), filed August 22, 2014;
3. Plaintiffs' Motion for Leave to File Sur-Reply to Motions for Summary Judgment (Doc. 171), filed August 22, 2014;
4. Combined Motion and Supporting Memorandum of the Metlife and GE Defendants to Strike the Affidavit of Elliott S. Flood (Doc. 175), filed September 4, 2014; and

5. Defendant AAA Life Insurance Company's Motion to Strike Affidavit of Previously Undisclosed Expert (Doc. 180), filed September 4, 2014.

Daymon Ely represented Plaintiffs, Scott Eaton represented Defendant AAA Life Insurance Company, and Jack Englert, Jr. represented Defendant Metropolitan Life Insurance (Plan Administrator; ERISA) and the General Electric Defendants. In addition to the motions hearing, the Court went over the proposed Pretrial Order with counsel.

Having heard the argument of counsel and for the reasons stated on the record at the hearing, the Court

ORDERS that

1. Plaintiffs' Notice of Motion and Motion for Leave to File Supplemental/Amended Complaint (Doc. 120) is granted, in part, to

a. correct the name of Defendant General Electric Savings & Security to "GE Savings and Security Program;"

b. eliminate Defendants Michael Peters and Peters & Associates, PA from the complaint; and

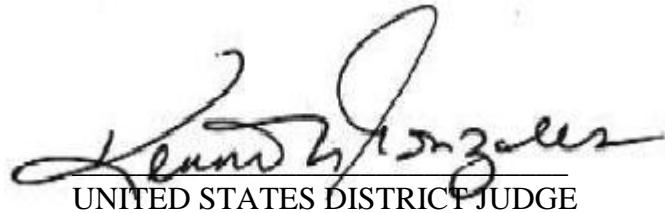
c. correct the name of Defendant Metropolitan Life Insurance (Plan Administrator; ERISA) to "Metropolitan Life Insurance Company;"

2. Plaintiffs will file an amended complaint reflecting the above amendments to the complaint by January 30, 2015;

3. Defendants are not required to answer the amended complaint;

4. Plaintiffs' Motion for Scheduling Conference to Set New Deadlines or, in the Alternative, Motion for Leave to Identify Expert (Doc. 170) is denied;

5. Plaintiffs' Motion for Leave to File Sur-Reply to Motions for Summary Judgment (Doc. 171) is denied;
6. the Combined Motion and Supporting Memorandum of the Metlife and GE Defendants to Strike the Affidavit of Elliott S. Flood (Doc. 175) is denied as moot;
7. Defendant AAA Life Insurance Company's Motion to Strike Affidavit of Previously Undisclosed Expert (Doc. 180) is denied as moot;
8. the Court will not hold a hearing on the Combined Motion and Supporting Memorandum for Summary Judgment of Metlife, GE, and the GE Plans (Doc. 143); and
9. Plaintiffs will file a brief on contested issues of law by February 24, 2015; and Defendant AAA Life Insurance Company will file a response by March 3, 2015.



KENNETH W. GONZALES
UNITED STATES DISTRICT JUDGE